

REMARKS

It is the Examiner's position that the application contains claims to a variety of patentabley distinct species. The Examiner requires election of species as follows:

1. First Film Forming Silicone Resin.

The Examiner requests that Applicants select between

- A. T,
- B. MT; or
- C. MQ.

Applicants hereby elect resin C, MQ.

The Examiner requests that if C is selected, Applicants must further elect identification of R<sub>1</sub>, R<sub>2</sub>, and R<sub>3</sub>:

Applicants hereby elect C<sub>1-30</sub> straight alkyl for each of R<sub>1</sub>, R<sub>2</sub>, and R<sub>3</sub>.

The Examiner then requests identification of x and y, and species and provides the range of from 1 to 1 million.

Applicants respectfully note that x and y do not provide the molecular weight of the MQ polymer. Rather the x and y refer to the ratio of M to Q units (see page 9, lines 1-2 of the specification). In that case, Applicants elect the x to y ratio set forth on page 9, lines 1-2 of the specification, which is where x ranges from about 0.5 to 1 and y ranges from about 1.5 to 1.

The Examiner next requests that Applicants specify the type of functional group, to be selected from alkoxy or hydroxyl. Applicants select hydroxyl.

II. Second Film Forming Polymer

With respect to the second film forming polymer, the Examiner requests that Applicants elect as follows:

- A. M with ethylenically unsaturated monomer,
- B. M with amide,
- C. M with urethane,
- D. D with ethylenically unsaturated monomer,
- E. M with amide,
- F. M with urethane,
- G. T with ethylenically unsaturated monomer,
- H. T with amide; or
- I. T with urethane.

Applicants hereby elect D, which is D with ethylenically unsaturated monomer.

The Examiner next requests that if A, D, or G is elected, Applicants are further required to elect:

- 1. H,
- 2. halogen,

3. hydroxyl,
4. fluoroalkyl,
5. C<sub>1-30</sub> straight alkyl,
6. C<sub>1-30</sub> branched alkyl,
7. C<sub>1-30</sub> straight aryl,
8. C<sub>1-30</sub> branched aryl,
9. C<sub>1-30</sub> straight aralkyl; or
10. C<sub>1-30</sub> branched aralkyl.

Applicants elect 5, C<sub>1-30</sub> straight alkyl.

The Examiner then requests that Applicants elect a species for R<sub>2</sub>, and recites the following list:

1. pyrrolidone,
2. substituted aromatic,
3. unsubstituted aromatic,
4. substituted alicyclic,
5. unsubstituted alicyclic,
6. substituted bicyclic; or
7. unsubstituted bicyclic.

Then notes that if Applicants elect 2, 4, or 6, then must further elect:

- a. C<sub>1-30</sub> straight alkyl,
- b. C<sub>1-30</sub> branched alkyl,
- c. COOM; or
- d. OCOM.

Applicants respectfully point out that R<sub>2</sub> is defined on page 11, lines 1-5 of the specification, the text reproduced below:

wherein R<sub>1</sub>, and R<sub>2</sub> are each independently H, halogen, hydroxyl, fluoroalkyl, a C<sub>1-30</sub> straight or branched chain alkyl, aryl, aralkyl; R<sub>2</sub> is a pyrrolidone, or a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where the substituents are C<sub>1-30</sub> straight or branched chain alkyl, or COOM or OCOM herein M is a C<sub>1-30</sub> straight or branched chain alkyl, pyrrolidone, or a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where the substituents are C<sub>1-30</sub> straight or branched chain alkyl.

In the definition for R<sub>2</sub>, it can be either (a) a pyrrolidone, (b) a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where the substituents are C<sub>1-30</sub> straight or branched chain alkyl, (c) COOM, or (d) OCOM wherein M is a C<sub>1-30</sub> straight or branched chain alkyl, pyrrolidone, or a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where the substituents are C<sub>1-30</sub> straight or branched chain alkyl.

In this case, Applicants elect COOM for R<sub>2</sub>, wherein M is a C<sub>1-30</sub> straight chain alkyl.

Applicants have elected a single disclosed species pursuant to 35 U.S.C. §121. The claims that read on the elected species are 1-3, 9-11, 12-22, 24-35.

Response to Requirement for Restriction  
Serial No. 10/692,663  
Filed: October 24, 2003

Applicants also request an amendment to the claims submitted with the preliminary amendment submitted March 16, 2006.

Respectfully Submitted,



Julie Blackburn  
Attorney for Applicants  
Reg. No. 32370  
Revlon Consumer Products Corporation  
237 Park Avenue  
New York, NY 10017  
(212) 527-5531